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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,118	01/31/2001	Peter M. Maddocks	10004943-1	5383

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,118

Applicant(s)

MADDOCKS ET AL.

Examiner

Insun Kang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35,39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responding to RCE amendment filed 12/10/2004.
2. As per applicant's request, claims 1-12, and 14-34 have been amended, claims 36-38 have been cancelled, and claims 39 and 40 have been added. Claims 1-35 and 39-40 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Maddocks et al. (US Patent 6,724,409) hereinafter referred to as "Maddocks."

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1:

Maddocks discloses:

- a graphical user interface (GUI) comprising: logic configured to execute GUI generation code and GUI user interaction handling code; and a display device in communication with said logic (i.e. "GUI generation code... GUI user interaction handling code 30 is also executed... GUI on the display monitor," col. 3 lines 35-45)

- wherein when said logic executes the GUI generation code, a window is displayed on the display device, said window presenting a first panel configured to present a sequence of commands and a second panel configured to present one or more available commands for adding commands to a presently displayed sequence (i.e. "The tree structure is comprised of a sequence... The list displays items that can be added to the tree structure," col. 2 lines 1-17) as claimed.

As per claim 2, the rejection of claim 1 is incorporated. Maddocks further discloses that *said first and second panels are simultaneously and fully viewable by a user* (i.e. col. 2 lines 1-17) as claimed.

As per claim 3, the rejection of claim 1 is incorporated. Maddocks further discloses that *said sequence comprises a representation of at least one device* (i.e. col. 2 lines 1-17) as claimed.

As per claim 4, the rejection of claim 3 is incorporated. Maddocks further discloses:

said at least one device has at least one command associated therewith (i.e. col. 2 lines 1-17) as claimed.

As per claim 5, the rejection of claim 4 is incorporated. Maddocks further discloses: said at least one command further comprises an argument (i.e. col. 4 lines 20-25; col. 2 lines 1-17) as claimed.

As per claim 6, the rejection of claim 40 is incorporated. Maddocks further discloses that *said fourth panel includes a start time and an end time associated with execution of each command executed (i.e. Fig 6) as claimed.*

As per claim 7, the rejection of claim 40 is incorporated. Maddocks further discloses that *said fourth panel includes information defining an iteration associated with a displayed command (i.e. col. 5 lines 15-20) as claimed.*

As per claim 8, the rejection of claim 40 is incorporated. Maddocks further discloses that *said fourth panel includes a step associated with the displayed command (i.e. col. 4 lines 20-25; col. 2 lines 1-17) as claimed.*

As per claim 9, the rejection of claim 40 is incorporated. Maddocks further discloses that *said fourth panel includes a device associated with the displayed command* (i.e. col. 4 lines 20-25; col. 2 lines 1-17) as claimed.

As per claim 10, the rejection of claim 40 is incorporated. Maddocks further discloses that *said fourth panel includes information indicating whether or not the displayed command was successfully executed* (i.e. col. 5 lines 20-29) as claimed.

As per claim 11, the rejection of claim 40 is incorporated. Maddocks further discloses that said fourth panel displays a unique iteration number identifier for each of said one or more iterations, each said iteration number identifiers uniquely identifying a particular iteration of said sequence, and wherein when a user selects one of said unique iteration number identifiers, detailed information describing each command executed during the iteration associated with the selected iteration number identifier is displayed on said display device (i.e. col. 5 lines 20-29) as claimed.

As per claim 12, the rejection of claim 11 is incorporated. Maddocks further discloses: a start time and an end time associated with execution of each command that was executed during the iteration associated with the selected iteration number identifier; information identifying the iteration associated with the displayed command ;a step associated with the displayed command; a device associated with the displayed command; information indicating whether the displayed command was successfully executed i.e. col. 5 lines 20-29) as claimed.

As per claim 13, the rejection of claim 1 is incorporated. Maddocks further discloses that the GUI generation code and the GUI user interaction handling code are written in an object-oriented, platform-independent language (i.e. col. 4 lines 10-25) as claimed.

As per claims 14-18, 21, and 22, they are the method versions of claims 1-10, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-10 above.

As per claim 19:

The rejection of claim 14 is incorporated. Maddocks further discloses that presenting at least one option that enables a user to open a second panel comprising a start time and an end time associated with execution of each command of the sequence (i.e. col. 5 lines 29-47) as claimed.

As per claims 23-30, they are the computer program versions of claims 1 and 3-10, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1 and 3-10 above.

Per claim 31:

Maddocks discloses:

- a processor configured to execute logic configured to generate a graphical user

interface (GUI) (i.e. "GUI generation code... GUI user interaction handling code 30 is also executed... GUI on the display monitor," col. 3 lines 35-45)

-logic configured to interact with at least one human to machine interface, and logic configured to generate commands applied to control systems within one or more remote devices (i.e. col. 3 lines 47-61; 34-46; "a tree-based graphical user interface... that enables command sequences to be easily created and edited by a user," col. 1 lines 65-67)

-a display device in communication with said processor, wherein when said processor executes the logic configured to generate the GUI, a window is displayed on the display device, said window presenting at least one option that enables a user to open a panel comprising both sequence in a first portion of the panel and a list of one or more commands in a second portion of the panel (i.e. "The tree structure is comprised of a sequence... The list displays items that can be added to the tree structure," col. 2 lines 1-17) as claimed.

Per claim 32:

The rejection of claim 31 is incorporated. Maddocks further discloses the selection of which executes the sequence (i.e. col. 2 lines 1-17) as claimed.

Per claim 33:

The rejection of claim 32 is incorporated. Maddocks further discloses:

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when said option is selected, the panel displays data resulting from execution of the sequence (i.e. col. 2 lines 1-17) as claimed.

Per claim 39:

The rejection of claim 1 is incorporated. Maddocks further discloses:

A third panel configured to communicate with a device identified by the sequence.

Per claim 40:

The rejection of claim 39 is incorporated. Maddocks further discloses:

A fourth panel configured to execute the sequence.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maddocks et al. (US Patent 6,724,409) hereinafter referred to as "Maddocks," as applied to claims 1-33 and 39-40 above, in view of Weinberg et al. (US Patent 6,587,969) hereinafter referred to as "Weinberg."

Per claim 34:

Maddocks does not explicitly disclose that the data resulting from the execution of the sequence comprises a summary of information from the one or more remote devices. However, Weinberg teaches that it was known in the art of software development and testing, at the time applicant's invention was made, to view the overall execution results without details. It would have been obvious for one having ordinary skill in the art of computer software development and distribution to modify the tree-based GUI testing system of Maddocks to include summary information of the execution. The modification would be obvious because one having ordinary skill in the art would be motivated to view the overall information resulting from the execution as thought by Weinberg (See the displayed Execution Log window in Fig 3A, 4A, and 5F; "FIG. 5F illustrates the execution summary that is provided in a web-based implementation of the testing tool. The execution summary includes a tree representation ... or "report tree" of the test execution in the left pane of the screen," col 17, lines 1-45; see also col 3, lines 11-44; col 11 lines 33-50).

Per claim 35:

The rejection of claim 34 is incorporated. Maddocks further teaches that the one or more remote devices comprise devices configured to house and manipulate data storage media ("backup storage system testing and the screen shots," col. 5 lines 58-67) as claimed.

Response to Arguments

7. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. Kang
Examiner
4/15/2005


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